

**U.S. Conference of Mayors**  
**2005 Adopted Resolutions**  
*Criminal and Social Justice*

**THE TERRORIST APPREHENSION AND RECORD RETENTION (TARR) ACT**

**WHEREAS**, neither suspected nor actual membership in a terrorist organization by itself prohibits a person from owning a gun under current law; and

**WHEREAS**, beginning in November of 2003, the U.S. Department of Justice directed the FBI to revise its procedures to better ensure that suspected members of terrorist organizations who have disqualifying factors do not receive firearms in violation of the law by automatically delaying responses to provide more time to check data; and

**WHEREAS**, in January of 2005, the U.S. Government Accounting Office (GAO) released a report entitled, "Gun Control and Terrorism: FBI Could Better Manage Firearm-Related Background Checks Involving Terrorist Watch List Records"; and

**WHEREAS**, that report found that from February 3 through June 30, 2004, a total of 44 firearm-related background checks handled by the FBI and state agencies resulted in valid matches with terrorist watch records, and of this total 35 transactions were allowed to proceed because the checks found no prohibiting information, such as felony convictions, illegal immigrant status, or other disqualifying factors; and

**WHEREAS**, the report states, "GAO recommends that the Attorney General (1) clarify procedures to ensure that the maximum amount of allowable information from these background checks is consistently shared with counterterrorism officials and (2) either strengthen the FBI's oversight of state agencies or have the FBI centrally manage all valid match background checks. The Department of Justice agreed."; and

**WHEREAS**, legislation has been introduced in the U.S. Senate and House of Representatives entitled the "Terrorist Apprehension and Record Retention (TARR) Act"; and

**WHEREAS**, the TARR Act amends the Federal criminal code to provide that if the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization in records maintained by the Department of Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File or records maintained by the Intelligence Community: (1) all information related to the prospective transaction shall be automatically and immediately transmitted to the appropriate Federal and State counterterrorism officials, including the Federal Bureau of Investigation (FBI); (2) the FBI shall coordinate the response; and (3) all records generated in the course of the check that are obtained by Federal and State officials shall be retained for at least ten years,

**NOW, THEREFORE, BE IT RESOLVED** that The U.S. Conference of Mayors strongly supports the Terrorist Apprehension and Record Retention Act (TARR), and urges that it be passed by Congress and signed into law by the President.